

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

FRENKEL LAMBERT WEISS WEISMAN & GORDON, LLP
80 Main Street, Suite 460
West Orange, NJ 07052
973- 325-8800
File No.: 03-019755-B00
Douglas McDonough, Esq.
Attorney ID: DM0973
DMcDonough@flwlaw.com
Attorney for Carvana, LLC, Secured Creditor

Case No.: **20-12748-JNP**

Chapter 13

Judge Jerrold N. Poslusny, Jr.

In Re:

Anthony R Brooks, Jr. and Sherie N. Brooks

Debtor(s).

**NOTICE OF MOTION FOR RELIEF
FROM AUTOMATIC STAY AS A REAL PROPERTY**

TO: All parties on the Certification of Service that is being filed with this Motion

Carvana, LLC ("Movant") will move before the Court for relief from the automatic stay pursuant to 11 U.S.C. § 362 with respect with respect to the vehicle 2015 CADILLAC SRX LUX.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case.

If you do not have an attorney, you may wish to consult one.

Movant is requesting that the 14 day stay of the Order for relief imposed by Federal Rule of Bankruptcy Procedure 4001(a)(3) be waived, pursuant to D.N.J. LBR 9013-1(b).

If you do not want the Court to vacate the automatic stay as it relates to the Subject Property, which, upon information and belief, is currently owned by the Debtor(s) and made part

of the above referenced bankruptcy estate, or if you want the Court to consider your views on the motion, then on or before **December 1, 2020**, you or

your attorney should complete the steps described in subsections (a) and (b) below:

(a) File with the Court a written request for a hearing, and an answer explaining your position at:

400 Cooper St.
4th Floor
Camden, NJ 08101.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above. You must also mail a copy of any filing in response to this motion to the following:

FRENKEL LAMBERT WEISS WEISMAN & GORDON, LLP
80 Main Street, Suite 460
West Orange, NJ 07052
Attorneys for Movant

-AND-

Isabel C. Balboa, Esq.
Cherry Tree Corporate Center
535 Route 38
Suite 580
Cherry Hill, NJ 08002

(b) Attend the hearing scheduled for December 8, 2020 at 11:00 am in Courtroom 4C] of the U.S. Bankruptcy Court, District of New Jersey, located at:

400 Cooper St.
4th Floor
Camden, NJ 08101.

If you or your attorney do not take the steps outlined in subsections (a) and (b) above, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

**IN ACCORDANCE WITH THE LOCAL BANKRUPTCY RULES, NO HEARING
WILL BE HELD UNLESS YOU FILE WRITTEN OPPOSITION IN ACCORDANCE
WITH THE ABOVE PROCEDURES.**

The facts and circumstances supporting this Motion are set forth in the Certification in Support of Motion for Relief from Automatic Stay filed contemporaneously herewith (the "Certification") and the other pleadings submitted as part of this motion.

Dated: August 27, 2020

/s/ Douglas McDonough
Douglas McDonough, Esq.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

FRENKEL LAMBERT WEISS WEISMAN & GORDON, LLP
80 Main Street, Suite 460
West Orange, NJ 07052
973- 325-8800
File No.: 03-019755-B00
Douglas McDonough, Esq.
Attorney ID: DM0973
DMcDonough@flwlaw.com
Attorney for Carvana, LLC, Secured Creditor

Case No.: **20-12748-JNP**

Chapter 13

Judge Jerrold N. Poslusny, Jr.

In Re:

Anthony R Brooks, Jr. and Sherie N. Brooks

Debtor(s).

CERTIFICATION AS TO NON-NECESSITY OF BRIEF

Douglas McDonough, Esq., attorney for Carvana, LLC, hereby certifies as follows:

1. I am an attorney at law of the State of New Jersey and am an associate with the law firm of FRENKEL LAMBERT WEISS WEISMAN & GORDON, LLP.
2. Pursuant to D.N.J. LBR 9013-2 the within motion involves common questions of law and fact and does not involve complex or novel issues such as to require the submission of a legal brief.
3. Carvana, LLC reserves the right to brief any issues raised in any opposition filed.

Dated: August 27, 2020

/s/ Douglas McDonough
Douglas McDonough, Esq.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

FRENKEL LAMBERT WEISS WEISMAN & GORDON, LLP
80 Main Street, Suite 460
West Orange, NJ 07052
973- 325-8800
File No.: 03-019755-B00
Douglas McDonough, Esq.
Attorney ID:
DMcDonough@flwlaw.com
Attorney for Carvana, LLC, Secured Creditor

Case No.: **20-12748-JNP**

Chapter 13

Judge Jerrold N. Poslusny, Jr.

In Re:

Anthony R Brooks, Jr. and Sherie N. Brooks

Debtor(s).

**DECLARATION IN SUPPORT OF
MOTION FOR RELIEF FROM AUTOMATIC STAY**

I, Jennifer Cruise, declare under penalty of perjury as follows:

1. I am a Senior Manager of Carvana, LLC and am authorized to sign this Declaration on behalf of Carvana, LLC ("Movant"), which is the entity that has the right to repossess by virtue of being owner and/or holder of the note.
2. This Declaration is provided in support of the Motion for Relief from Stay (the "Motion") being filed simultaneously herewith.
3. I have access to Movant's business records, including the business records for and relating to the loan that is the subject of this action. I sign this declaration based upon my review of those records relating to the loan and from my own personal knowledge of how Movant's business records are kept and maintained.

4. On 12/11/2019, the debtor executed a Retail Interest Retail Installment Contract and Security Agreement for the purchase of a 2015 Cadillac SRX LUX. The debtor became indebted to Movant in accordance with the terms of same. A true copy of the contract accompanies this certification as Exhibit A. To secure payment of the contract, the title to the vehicle was delivered to Movant with Movant named as first lienholder. As a result, Movant is the holder of a purchase money security interest encumbering the vehicle. A true copy of the title accompanies this certification as Exhibit B.

5. The following information sets forth the make, model and serial number of the vehicle, the original terms of the contract, the average retail and trade-in value of the vehicle, and the current states of the debtor's account:

A. Make, model and serial number of motor vehicle:

2015 Cadillac SRX LUX

Serial Number (VIN): 3GYFNBE3XFS609490

(i) Total of payments: \$38,597.06

(ii) Term: 72 months

(iii) Monthly payment: \$538.00

(iv) First payment due: 01/11/2020

B. Clean retail value: \$16,725.00

Clean trade-in value: \$14,875.00

(Clean retail and trade-in values derived from NADA Official Used Car Guide, August 2020)

C. Delinquency status: As of 08/17/2020 the account is due from 04/11/2020 to 08/11/2020
Arrears: \$2,228.00 as of 08/11/2020

D. Statement of amount due

(i) Net balance: \$21,739.32.

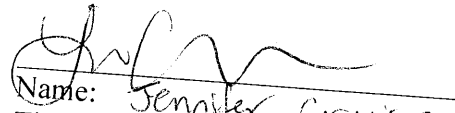
6. Movant demands stay relief for the following reasons:

a. The debtor defaulted in making loan payments to Carvana, LLC.

b. The loan is due for the 04/11/2020 installment payment and Carvana would like to secure vehicle and sell it.

7. A Certification of Creditor Regarding Post Petition Payment History Accompanies this certification as Exhibit C.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 20th day of October, 2020.


Name: Jennifer Cruise
Title: Senior Manager